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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Budget for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2008-2009

Report of the Secretary-General

Summary

In accordance with General Assembly resolutions 59/274 and 60/243, the present report contains the resource requirements for the biennium 2008-2009 of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The resources for the biennium 2008-2009 before recosting amount to $339,439,600 gross ($310,952,100 net) and reflect an increase in real terms of $12,865,700 gross, or 3.9 per cent ($13,821,600 net, or 4.7 per cent), compared to the revised appropriation for 2006-2007.

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I. Introduction

1. The terms of reference of the International Tribunal for the Former Yugoslavia were established by the Security Council in its resolution 808 (1993). The statute of the Tribunal, adopted by the Security Council in its resolution 827 (1993), provides in article 11 that the Tribunal shall consist of three organs, namely, the Chambers, the Prosecutor and the Registry. The activities for which the Tribunal is responsible are also set out in the statute.

2. The Security Council, in its resolution 1329 (2000), expressed its continuing conviction that the prosecution of persons responsible for serious violations of international humanitarian law in the territory of the former Yugoslavia contributed to the restoration and maintenance of peace in the former Yugoslavia.

3. The report on the judicial status of the Tribunal and the prospects for referring certain cases to national courts (S/2002/678) was endorsed on 23 July 2002 by a statement of the President of the Security Council on behalf of the Council (S/PRST/2002/21). The report presented the completion strategy of the Tribunal, setting 31 December 2004 for the conclusion of all new investigations, 31 December 2008 for the completion of first instance trials and 31 December 2010 for the completion of appeals. The first major milestone has been met with the investigation of all remaining targets completed and the last new indictments confirmed by the Chambers.

4. The Security Council, in resolution 1503 (2003), reaffirmed "in the strongest terms" the statement of 23 July 2002 endorsing the Tribunal's completion strategy. The Council again emphasized the importance of fully implementing the completion strategy in its resolution 1534 (2004).

5. The progress made in pre-trial and trial activity has allowed the Tribunal to make a reasonable forecast as to the anticipated completion of all first instance trials. Earlier in 2007, this assessment indicated that, of the 11 cases scheduled for the biennium 2008-2009, four trials would be completed during 2008, four during the first half of 2009 and the remaining three in the last six months of the biennium. However, in June 2007, two main developments had a major impact on the trial schedule. The first related to the arrest of two fugitives (Zdravko Tolimir and Vlastimir Djordjević). The cases of these two accused could not, for legal and practical reasons, be joined with ongoing multiple-accused cases. As a result, two additional trials had to be added to the trial schedule for 2009.

6. The second development involved the case of two accused, Milan Lukić and Sredoje Lukić. The prosecution had originally submitted a request to transfer the case against Milan Lukić pursuant to Rule 11 bis. The referral bench denied the request owing to the seniority of the accused and the nature of the crimes committed, therefore not meeting the conditions for transfer set out in Rule 11 bis. The case of Milan Lukić will now be tried in 2009 in tandem with the case of Sredoje Lukić, which had been transferred but was revoked due to the similarities in the indictments. These events resulted in a further three new trials over and above the number originally envisaged for the biennium 2008-2009.

7. The Tribunal now anticipates that there will be 14 cases on trial during the biennium, involving 37 accused. A trial schedule reflecting these timelines formed the basis in formulating the resource requirements for the biennium 2008-2009.

Updated information on the progress made in achieving the goals of the completion strategy will be provided by the President of the Tribunal and the Prosecutor in their joint biannual reports to the Security Council, which are scheduled to be transmitted to the Council in November 2007. It should be borne in mind that a number of external factors beyond the Tribunal's control can and will have a major impact on the anticipated completion dates of trials, as reflected in the projected trial schedule. Should the actual trial schedule vary significantly with that used for the formulation of the 2008-2009 budget proposal, the requirements would have to be reassessed and realigned and any additional requirements would be addressed in the context of the performance reports for the biennium 2008-2009. Likewise, it should be noted that the trial schedule and the related budget proposal do not take into account the resource requirements related to the trials of the four fugitives who, as at the time of writing of the present report, remain at large. Estimates in respect of the four fugitives will be addressed in the context of revised estimates as and when they are apprehended.

8. The completion strategy comprises two main pillars: (a) the fair and expeditious completion of trials at the Tribunal in accordance with the established timeline; and (b) the transfer of certain cases against accused persons, indicted under the authority of the Tribunal, to competent national jurisdictions in the former Yugoslavia.

9. During the biennium 2008-2009, five main developments will affect the workload of the Tribunal in support of the first pillar, namely: (a) an increase in trial activity resulting from the undertaking of a seventh trial; (b) the high complexity of trials and appeals resulting from multiple-accused cases; (c) completion of 12 first instance trials during the biennium 2008-2009; (d) an increase in the number and complexity of appeals, both interlocutory and appeals on merits; and (e) a reduction in first instance trial activity as from the third quarter of 2009 following the completion of trials, as per the revised trial schedule.

10. To further ensure the completion of first instance trials by 2009, the Tribunal, as from June 2007, has been running a seventh trial simultaneously and plans to continue this measure during the biennium 2008-2009. The undertaking of a seventh trial has been made possible: (a) as a result of the decision to have the three new reserve judges sit in more than one trial; and (b) by utilizing gaps that may appear in the courtroom schedule owing to illness of the accused or counsel, the failure of witnesses to testify, judgement drafting or other unforeseen circumstances that lead to an adjournment of a proceeding. Free courtroom space will also be used for Chambers wishing to conduct additional hearings to expedite the completion of their cases. The scheduling of the seventh trial, while maximizing the use of courtroom time, is also expected to result in an increase in the workload of all organs of the Tribunal.

11. To increase the pace of trial activity and improve judicial efficiency during the biennium 2006-2007, Chambers granted the Prosecutor's requests to join related indictments and run trials with multiple accused. Seven such trials are scheduled for the biennium 2008-2009. While the joining of cases has proven to expedite the pace of trials, multiple-accused cases have the effect of generating far more motions and appeals than cases that involve a single accused, which will have a consequential impact on the workload of Chambers and of the Office of the Prosecutor in support of trials and appeals. Seven additional cases involving single-accused indictments

are scheduled during the biennium, for a total of 14 cases to be tried in first instance during 2008-2009 involving 37 accused (excluding the four fugitives who, as at the time of writing, remain at large).

12. All cases on trial are expected to be appealed by either one or more parties to the proceedings. The increase in the number and profile of the accused persons to be tried in the biennium 2008-2009 will have an impact on the volume and complexity of the cases on appeal. In addition, the two additional indictees and the non-referral of one case to the region will continue to mandate a full caseload throughout the biennium.

13. Through its Judicial Practices Working Group, Rules Committee and plenary sessions, Chambers continues to investigate additional ways to reduce the length of proceedings, both by continued review and amendments to the Rules of Procedure and Evidence, and by continued implementation of the recommendations of the two judicial working groups established by the President to consider ways of speeding up trials and appeals. Measures adopted during the 2006-2007 biennium, namely the amendments to Rule 73 bis (facilitating the reduction in number of crime sites) and the addition of Rule 92 ter (which authorizes a trial chamber under certain conditions to consider written statements and transcripts of witnesses in lieu of oral testimony that goes to proof of the acts and conduct of the accused) and Rule 92 quater (which allows written statements and transcripts of witnesses that go to the acts and conduct of the accused to be introduced into evidence even when a witness is unavailable) have resulted in significant economies. Furthermore, the amendment to Rule 75, currently under consideration, would expedite the procedure for jurisdictions seeking access to confidential transcripts of proceedings before the Tribunal.

14. The Trial Scheduling Working Group has undertaken the difficult task of identifying which cases will be heard by which Chambers in order to ensure that cases at the pre-trial stage will be managed by the chamber anticipated to hear the proceeding and to ascertain, as accurately as possible, information with respect to trial readiness and the expected duration of a trial. In this respect, such assessments are no longer left to the discretion of the parties but are under the control of the pre-trial judge.

15. The Appeals Chamber has continued to reap the benefits of amendments made to the Rules for purposes of expediting proceedings while upholding the due process rights of the accused. These amendments to the Rules and the pro-activity of appeals judges have enabled the appeals chamber to render a record number of appeals from judgement in the reporting period while also expediting the issuance of interlocutory, pre-appeal and other decisions.

16. In terms of judicial and administrative support, the Tribunal will continue to implement measures aimed at reducing the length of trials and improving efficiency. These include the e-Court system, which was tested on a pilot basis during the current biennium and is now being successfully applied to all trials. The implementation of the Internet remote access to the judicial database (including for the State Court of Bosnia and Herzegovina) has enabled defence counsel to access the network from any location, thereby assisting in the efficient preparation and conduct of their cases. Efficiency also continues to be supported by: (a) the Office of Document Management which saves on translation resources by avoiding duplication in translation requests; (b) the application of the pre-trial and trial

lump-sum defence payment system, which compels defence teams to prepare their strategies in advance of trial; and (c) the Defence Counsel Network, which has resulted in a more effective distribution of case-related documents.

17. In support of the second pillar, the Tribunal will continue to play an active role in transferring cases (involving those accused of intermediate and lower-level war crimes) and investigative dossiers to national courts, monitoring the development of cases already transferred and assisting national prosecution and judicial authorities in the former Yugoslavia. The referral of cases to national jurisdictions has been central to the completion strategy. Thus far, 10 accused have been transferred by the referral bench to the War Crimes Chamber of the Court of Bosnia and Herzegovina, and 2 accused have been transferred to the authorities of Croatia and 1 accused to Serbia for trial before the domestic courts of those countries. There is one more case for which a transfer may be sought, depending on whether one of the accused at large is brought into custody.

18. Within the Office of the Prosecutor, the transition team continues to oversee the preparation of dossiers for the other accused perpetrators of lower-level war crimes identified during the investigations conducted by the Office, with a view to transferring those files to the appropriate prosecuting authorities in the countries of the former Yugoslavia. Essential legal support will continue to be provided by the Office of the Prosecutor after the handover of the files. The Office will also continue to monitor such trials referred to the region under Rule 11 bis as it currently conducts through the Organization for Security and Cooperation in Europe.

19. The Registry has played a central coordinating role in assisting the development of the War Crimes Chamber within the Court of Bosnia and Herzegovina. The transition coordinating committee, established by the Registry, considers practicalities associated with the transfer of cases to national jurisdiction, specifically the transfer of the accused, transition of defence counsel and continuing protection of witnesses.

20. With the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone also preparing to complete their respective mandates, the Tribunal has worked with its counterparts over the course of the biennium 2006-2007 to discuss common issues arising from their completion strategies. The cooperation among the three institutions will result in a best practices manual, encompassing the most effective and efficient practices and procedures of the international war crimes courts.

21. In his report on staff retention and legacy issues (A/60/436), the Secretary-General drew the attention of the General Assembly to the legacy issues that would be encountered by the tribunals upon completion of their respective mandates since they would have financial implications after their closure. In the same report, the Secretary-General indicated that it would be his intention to submit concrete proposals and recommendations in the context of the proposed budget for the biennium 2008-2009. Accordingly, the present report contains proposals and recommendations relating to a number of the budgetary provisions that must be made in respect of post-Tribunal administrative liabilities, namely, the payment of pensions to judges and surviving spouses after the closure of the tribunals, the liabilities associated with the after-service health insurance scheme for retired staff

members and the maintenance of the Tribunal's archives and jurisprudence database (see sects. D and E below).

22. As regards the archives and the jurisprudence database, an assessment has been carried out of the record-keeping environment with a view to (a) ensuring that the records meet the preservation and archiving standards required following the completion of the Tribunal's mandate, and (b) supporting future official access by the entity entrusted with post-Tribunal functions and access by the public at large. During the biennium 2008-2009, various projects will be undertaken with a view to supporting the development and implementation of an archives and records management strategy founded on a consistent, standard-based approach across the two international tribunals and the secretariat, in order to achieve responsible completion of the mandate and to establish a preservation and access regime which meets the needs of both legacy and residual requirements. The level and type of resources required for the biennium 2008-2009 to implement such a strategy are submitted in paragraphs 89 to 100 below.

23. The overall level of resources required for the biennium 2008-2009 for the International Tribunal for the Former Yugoslavia amounts to $339,439,600 gross ($310,952,100 net) before recosting, reflecting a real growth in resources of $12,865,700 gross, or 3.9 per cent ($13,821,600 net, or 4.7 per cent), compared to the revised appropriation for the biennium 2006-2007. The increase (see table 2) reflects increased requirements under Chambers ($941,100), new requirements related to the implementation of the records management and archives strategy ($3,860,100) and the funding of the accrued liability for after-service health insurance and payment of pension to judges and surviving spouses ($33,700,000), partially offset by reduced requirements under the Office of the Prosecutor ($9,237,200) and the Registry ($16,398,300).

24. For the biennium 2008-2009, the International Tribunal for the Former Yugoslavia proposes the retention of 732 temporary posts, reflecting a gradual reduction of 258 posts, or 26 per cent (107 Professional and 151 General Service posts) in the current authorized staffing level of 990.

25. Based on the projected trial schedule, it is anticipated that, during 2008, the pace of trial activity will remain unchanged vis-à-vis the 2007 level. Therefore, it is proposed that the total number of 990 posts for 2008 remain unchanged vis-à-vis 2007. In 2009, the functions of 258 posts would be gradually phased out as follows: (a) an estimated 100 posts, consisting of 34 Professional (3 P-5, 8 P-4, 19 P-3 and 4 P-2), 61 General Service (Other level) and 5 Security Service, during the third quarter of the year; and (b) an estimated 158 posts, including 73 Professional (4 P-5, 15 P-4, 31 P-3 and 23 P-2), 70 General Service (Other level) and 15 Security Service, during the fourth quarter of the year. However, to ensure that the Tribunal has the flexibility to accelerate or decelerate the phasing out of individual posts, it is proposed that all of these posts be abolished as at 1 January 2009, as reflected in table 3, but their funding be provided through general temporary assistance. This would enable the maintenance of critical functions in supporting the trials to be held through 31 July and between 1 August and 31 October 2009, but enable the Tribunal to align staff requirements more closely with servicing of the trials during this critical period of the completion phase.

26. Conversely, as trials are completed, the workload will shift towards appellate support. On this basis, the Tribunal proposes an internal, organizational change in

the Office of the Prosecutor and the Chambers Legal Support Section of the Registry, which will be implemented by a gradual redeployment of posts from trial support to appellate support within Chambers and the Office of the Prosecutor. One aspect of this change will be the incorporation of the Investigations Division into the Prosecution Division, resulting in investigators, analysts and other support staff working directly on specific cases under the leadership of a trial attorney. The post of Chief of Investigations will no longer be required and is proposed for redeployment. A second major internal office change involves the upgrading of the Appeals Section to Appeals Division, to be headed by a Chief at the D-1 level, which will entail the redeployment of the existing D-1 for the Chief of Investigations. The increase in the number of accused to be tried in the biennium 2008-2009 will have an impact on the volume and complexity of the cases on appeal and generate extensive additional work. Interlocutory appeals during the trials will also generate more complex work, in particular for the multiple-accused cases which will raise new, complex legal issues. In that light, it is proposed that 37 posts (3 P-5, 7 P-4, 16 P-3, 4 P-2 Professional and 7 General Service (Other level)) be redeployed during 2009 from the Trial Section and Trial Support Unit under the Prosecution Division to the newly upgraded Appeals Division.

27. In line with the strengthening of the former Appeals Section, the Chambers Legal Support Section would also be strengthened. To better reflect the increased managerial and coordinating responsibilities of the Head of Chambers, an upgrading of the post from P-5 to D-1 is proposed, with effect 1 January 2008. This upgrading is deemed necessary to strengthen the level of management and coordination in Chambers during this critical stage of trial and appeal activity. The upgraded post will provide policy and leadership in coordinating Chambers and appeals teams from both the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda during a period in which appellate support work will dramatically increase and become more complex in terms of both factual and legal issues.

28. As indicated in the preceding paragraphs, the overall resource requirements for the biennium 2008-2009 include provisions relating to redaction and digitization of all audio-visual materials, including archiving of records of the Office of the Prosecutor and administrative records, and the accrued liabilities related to after-service health insurance and pensions of retired judges.

29. The recosting at 2008-2009 rates of the proposed budgetary provisions contained in the present report is preliminary. For salaries related to posts in the Professional and higher categories, adjustments reflect the projected movement of post adjustment indices in 2007. Similarly, with regard to General Service salaries, recosting takes into account the forecast of probable cost-of-living adjustments based on anticipated inflation rates. The average vacancy rates for Professional and General Service posts realized in 2006 are proposed for 2008-2009. No attempt has been made to forecast the movement of the relevant currency vis-à-vis the United States dollar. The proposed budget will be recosted in December 2007 on the basis of the most recent data on actual inflation experience, the movement of post adjustment indices in 2007, the outcome of salary surveys, if any, experience in regard to salary expenditure and the evolution of operational rates of exchange in 2007.

30. During the biennium, extrabudgetary resources estimated at $3,133,200 will be utilized for a variety of activities related to supporting the work of the Office of the Prosecutor and the Registry. The estimated level of extrabudgetary resources reflects a decrease of $773,200 owing to the completion of several projects including, inter alia, the rules of the road project, the backlog project of the Evidence Unit and the project on investigations in the former Yugoslav Republic of Macedonia.

Table 1
Percentage distribution of resources by component

Component	*Regular budget*	*Extrabudgetary*
1. Chambers	3.1	—
2. Office of the Prosecutor	22.9	2.0
3. Registry	63.0	98.0
4. Records management and archives	1.1	—
5. Liabilities for after-service health insurance and payment of pensions to judges and surviving spouses	9.9	—
Total	**100.0**	**100.0**

Table 2
Resource requirements by component
(Thousands of United States dollars)

(1) *Assessed budget*

Component	*2004-2005 expenditure*	*2006-2007 appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2008-2009 estimate*
			Amount	*Percentage*			
1. Chambers	11 158.2	9 525.3	941.1	9.9	10 466.4	2 493.0	12 959.4
2. Office of the Prosecutor	80 537.7	87 085.0	(9 237.2)	(10.6)	77 847.8	4 323.5	82 171.3
3. Registry	174 947.4	229 963.6	(16 398.3)	(7.1)	213 565.3	9 932.7	223 498.0
4. Records management and archives	—	—	3 860.1	—	3 860.1	125.5	3 985.6
5. Liabilities: after-service health insurance/pension of judges	—	—	33 700.0	—	33 700.0	—	33 700.0
Total expenditures (gross)	**266 643.3**	**326 573.9**	**12 865.7**	**3.9**	**339 439.6**	**16 874.7**	**356 314.3**
Income							
Income from staff assessment	36 013.0	29 178.1	(955.9)	(3.3)	28 222.2	909.7	29 131.9
Other income	240.7	265.3	—	—	265.3	—	265.3
Total requirements (net)	**230 389.6**	**297 130.5**	**13 821.6**	**4.7**	**310 952.1**	**15 965.0**	**326 917.1**

(2) *Extrabudgetary*

	2004-2005 expenditure	*2006-2007 estimate*	*2008-2009 estimate*
Activities	5 631.5	3 906.4	3 133.2
Total	**5 631.5**	**3 906.4**	**3 133.2**
Total (1) and (2)	**236 021.1**	**301 036.9**	**330 050.3**

Table 3
Post requirements

Category	*2006-2007 revised appropriation*	*2008 proposed*	*Proposed reduction 1 January 2009*	*Extrabudgetary 2006-2007*	*Extrabudgetary 2008-2009*	*Total 2006-2007*	*Total 2008-2009*
Professional and above							
USG	1	1	—	—	—	1	1
ASG	1	1	—	—	—	1	1
D-2	1	1	—	—	—	1	1
D-1	4	5	—	—	—	4	5
P-5	35	34	(7)	—	—	35	27
P-4/3	295	295	(73)	1	1	296	223
P-2/1	117	117	(27)	—	—	117	90
Subtotal	**454**	**454**	**(107)**	**1**	**1**	**455**	**348**
General Service							
Principal level	11	11	—	—	—	11	11
Other level	370	370	(131)	2	—	372	239
Subtotal	**381**	**381**	**(131)**	**2**	**—**	**383**	**250**
Other							
Security Service	155	155	(20)	—	—	155	135
Subtotal	**155**	**155**	**(20)**	**—**	**—**	**155**	**135**
Total	**990**	**990**	**(258)**	**3**	**1**	**993**	**733**

II. Programme of work and resource requirements

A. Chambers

31. Chambers comprise nine permanent trial judges, nine ad litem judges and three reserve judges. It is the judicial organ of the Tribunal, performing its core activity: determination of the guilt or innocence of persons accused of serious violations of international humanitarian law committed in the territory of the former Yugoslavia

since 1991. Through its judicial activities, Chambers will continue to ensure that all accused persons receive a fair trial without undue delay.

32. The Appeals Chamber consists of seven permanent appeals judges in The Hague, five of whom are financed by the International Tribunal for the Former Yugoslavia and two for whom funding is charged to the budget of the International Criminal Tribunal for Rwanda.

33. The main objective of Chambers for the biennium 2008-2009 is to continue to undertake seven trials at a time and to complete all interlocutory appeals and appeals from judgement as expeditiously as possible, through the use of 16 permanent and up to 12 ad litem judges, including 3 reserve judges. Maintaining this high level of activity at first instance is essential in order to complete the majority of all trials by the second half of 2009. At the present stage, only 4 accused remain at large of the 161 indicted. Chambers will continue to have its capacity fully utilized during the biennium.

34. During the period spanning 2006 and the first half of 2007, the Tribunal had six trials running simultaneously, involving 24 accused. The verdict in the six trials was delivered. In addition, one sentencing judgement on a guilty plea was rendered, as were three contempt judgements. During the same period, the Tribunal also saw 23 post-judgment cases on appeal, involving 32 convicted persons. Final judgement on appeal was rendered in 13 cases, and two contempt appeal judgments were rendered. From mid-2007, a seventh trial started and, for the remainder of 2007, it is anticipated that seven trials will continue to run simultaneously, involving at least 26 accused. Pre-trial activity will include up to four cases, involving 7 accused. Appeals activity will include at least 10 appeals from judgement and numerous interlocutory appeals, referral appeals, contempt appeals and review appeals as they arise.

35. During the biennium 2008-2009, it is expected that Chambers will work on the following: 14 trials (7 running at any one time), seven pre-trial procedures, 43 pre-appeal procedures, 43 appeals from final trial chamber judgments or from Rule 11 bis referral decisions (17 from the International Tribunal for the Former Yugoslavia and 26 from the International Criminal Tribunal for Rwanda; Appeals Chamber judges and staff work on appeals for both tribunals) and all interlocutory appeals arising from trial. The referral bench of Chambers will continue to be constituted to deal with new referral applications which may arise, as well as ongoing obligations related to cases already transferred to domestic courts in the former Yugoslavia. In addition, it will be necessary to deal with contempt trials and appeals as they arise.

36. Chambers will continue to work on the five multiple-accused cases, involving up to seven accused, each which commenced during the previous biennium. Of these multiple-accused cases, which resulted from the Prosecutor's policy of joining related indictments whenever possible, those with six or more accused will continue to be extremely demanding of the resources of Chambers. In addition to generating far more motions at trial, several accused being tried simultaneously generates more interlocutory appeals than cases involving fewer accused. The extra work generated by the multiple-accused approach is considered necessary as it should reduce overall trial time substantially in comparison with holding separate trials for each of the accused. It is notable, for example, that while on average 8 accused were on trial at any one time during the 2004-2005 biennium, an average of 23 are expected to be

on trial at any one time during 2008, with that number dropping in 2009 as the move is back to more single accused trials. The multiple-accused cases will also reach the appeal level during the upcoming biennium, meaning that one case could comprise up to eight individual appeals, an enormous increase in complexity compared to appeals cases to date. The first such complex appeal is expected in the second half of 2008.

37. To allow for a high level of courtroom activity, Chambers has already maximized the use of available resources through the operation of the three courtrooms over two shifts daily, exceeding normal working hours. During the current biennium, an additional measure adopted by the trial chambers has been to make use of any free courtroom space to hold additional hearings in their cases. Even the two short court recesses during each year, used for carrying out court maintenance as well as judgement and pre-trial decision drafting, are now open to use for chambers wishing to conduct additional hearings during that time to expedite the completion of their cases.

38. The recommendations of the working groups on speeding up appeals and trials for improving the efficiency of proceedings have been fully embraced by the judges. Measures adopted during the biennium 2006-2007, namely the amendments to Rule 73 bis (facilitating the reduction in the number of crime sites), and the addition of Rule 92 ter (which authorizes under certain conditions the consideration by a trial chamber of written statements and transcripts of witnesses in lieu of oral testimony that goes to proof of the acts and conduct of the accused) and Rule 92 quater (which allows written statements and transcripts of witnesses that go to the acts and conduct of the accused to be introduced into evidence even when a witness is unavailable), have resulted in significant economies.

39. Also, pursuant to a recommendation of the Working Group on Speeding up Trials, the Trial Scheduling Working Group has undertaken the difficult task of identifying which cases will be heard by which trial chamber in order to ensure that cases at the pre-trial stage are managed by the chamber anticipated to hear the proceeding. In carrying out this task, the Vice-President of the International Tribunal, who acts as Chairman of the Trial Scheduling Working Group, has held consultations on a regular basis with pre-trial judges to ascertain, as accurately as possible, information with respect to trial readiness and the expected duration of a trial. In this respect, such assessments are no longer left to the discretion of the parties but are under the control of the pre-trial judge. An additional benefit is that the Trial Scheduling Working Group ensures that there are always one or more cases that are trial ready in case unforeseen developments require changes to the trial schedule and the replacement of one case with another. The ongoing receipt of information from judges on the progress of pre-trial and trial proceedings has enabled the Trial Scheduling Working Group to produce a reasonably accurate forecast as to the anticipated completion of all trials at the Tribunal. Presently, this assessment indicates that while the Tribunal will not be able to complete all trials by the end of 2008, the majority of cases are expected to be finished in the second half of 2009.

40. Similar to the trial chambers, the Appeals Chamber has continued to reap the benefits of amendments made to the Rules for purposes of expediting proceedings while upholding the due process rights of the accused. Amendments adopted pursuant to the report of the Working Group on Speeding up Appeals have resulted,

inter alia, in shortening the time limits for the filing of appeals, in avoiding repetitious filings, and in expediting the disposal of appeals by expanding the use of written, as opposed to oral, submissions. In addition, the expanded role of the pre-appeal judge in disposing of routine motions and expediting pre-appeal proceedings has ensured the readiness of appeals from judgement for hearing at the earliest opportunity. In sum, the amendments to the Rules and the proactivity of appeals judges have enabled the Appeals Chamber to render a record number of appeals from judgement in the reporting period while also expediting the issuance of interlocutory, pre-appeal and other decisions.

41. The Office of the President provides advice and assistance as well as logistical and secretarial support to the President of the Tribunal in the exercise of his or her functions. The President is the highest authority at the Tribunal, acting as its institutional head. He or she is responsible for the overall execution of the mission of the Tribunal and for representing the Tribunal before its parent body, the Security Council, and the General Assembly. The President performs representational functions vis-à-vis heads of mission, embassies of Member States and the Secretary-General.

42. Pursuant to rule 19 of the Rules of Procedure and Evidence, the President of the Tribunal also coordinates the work of Chambers, supervises the activities of the Registry and exercises all other functions conferred on him or her by the statute and the Rules. These functions can be divided into the following three categories:

(a) Judicial functions: pursuant to article 14 (2) of the International Tribunal for the Former Yugoslavia statute and article 12 (2) of the statute of the International Criminal Tribunal for Rwanda, the President of the Tribunal is the presiding judge of the appeals chambers of both tribunals. The President is the sole authority responsible for assessing reports that a State has failed to comply with an obligation under the statute and, depending on the circumstances of the case, for notifying the Security Council thereof;

(b) Internal functions: pursuant to rule 23 bis of the Rules, the President of the Tribunal is the Chair of the Coordination Council responsible for ensuring the coordination of the activities of the three organs of the Tribunal;

(c) Quasi-judicial functions: pursuant to rule 23, the President is the Chair of the Bureau and is responsible for reviewing all major matters arising from the functioning of the Tribunal. The President also chairs, pursuant to rule 19 (A), the plenary meetings of the Tribunal during which the judges adopt and amend the Rules, decide upon matters relating to the internal functioning of Chambers and the Tribunal and determine or supervise the conditions of detention.

43. Pursuant to the statute, the Rules and various directives, the President of the Tribunal is entrusted with the right of final review pertaining to matters such as the enforcement of sentences, legal aid/defence counsel issues and the application of such directives as the Rules of Detention and the Directive on the Assignment of Defence Counsel. In accordance with article 13 ter of the statute, the President is also responsible for requesting the Secretary-General to appoint ad litem judges to the trial chambers.

44. For the next biennium, a matter of primary importance for the Office of the President will be to continue to carry forward the completion strategy initiated by the Tribunal and endorsed by the Security Council in the presidential statement

dated 23 July 2002 (S/PRST/2002/21). Coordination must be maintained, with States and international organizations contributing, as appropriate, to the strengthening of national judicial systems of the States of the former Yugoslavia in order to facilitate the implementation of the completion strategy.

Outputs

45. During the biennium, the following outputs will be delivered:

(a) Courtroom activities: initial appearances, status conferences, pre-trial conferences, trials, appeals and delivery of judgements;

(b) Decisions relating to, inter alia, review and confirmation of indictments, arrest and other warrants, various pre-trial motions, motions during trial and appeal, applications for additional evidence and interlocutory appeals and reviews;

(c) Judgements on the merits in relation to trials and appeals (appeal activities are for both tribunals);

(d) Judgements on contempt cases at both trial and appeal;

(e) Review of the Rules of Procedure and Evidence, Practice Directions and the Rules of Detention and proposal of amendments to the statute of the Tribunal to the Security Council;

(f) Reports of the President to the Security Council, as requested by a trial chamber or the Prosecutor, as to non-compliance by States with orders of the Tribunal;

(g) Annual report to the General Assembly, six-monthly report to the Security Council and requests for international assistance to States;

(h) Press releases on matters of importance to the Tribunal as a whole;

(i) Special events: hosting of visiting dignitaries, usually at the level of ambassador or foreign minister, and Heads of State; establishing and maintaining high-level contacts with Governments of Member States to facilitate and improve cooperation with the Tribunal; and swearing in of new judges;

(j) Non-governmental organizations: requesting non-governmental organizations and others to submit amicus curiae briefs on issues of general importance under consideration by Chambers;

(k) Participation in activities within the United Nations system: annual statement by the President to the General Assembly, participation in meetings concerning the role of the Tribunal within the United Nations system, cooperation with the International Criminal Tribunal for Rwanda and participation in discussions concerning other international judicial entities;

(l) Liaison with the Office of the High Representative and the State Prosecutor of Bosnia and Herzegovina in relation to the referral of cases.

Table 4
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2006-2007*	*2008-2009 (before recosting)*	*2006-2007*	*2008-2009*
Assessed budget				
Non-post	9 525.3	10 466.4	—	—
Total	**9 525.3**	**10 466.4**	—	—

46. Non-post resources in the amount of $10,466,400, reflecting an increase of $941,100, will provide compensation for 26 judges, including 9 permanent trial judges, 5 permanent appeals judges, 9 ad litem judges and 3 reserve judges, as well as the hiring of consultants and travel resources for the judges. The growth is mainly attributable to increased requirements under honorariums totalling $892,600, mainly attributable to the appointment of the 3 reserve judges approved by the Security Council in its resolution 1660 (2006), for which no provision was made in the 2006-2007 budget ($1,020,200), partially offset by decreased requirements arising from the departure of ad litem judges following the completion of first instance trials in 2009 ($127,600). The growth also relates to increased requirements under common costs of judges totalling $50,100, mainly attributable to the anticipated rotation of ad litem judges ($90,700), partially offset by reduced requirements under pension benefits of former judges ($40,600). The overall increase is partially offset by reduced requirements under consultants ($1,400) and travel of judges ($200).

47. Costs relating to the remaining two appeals judges are included in the budget for the International Criminal Tribunal for Rwanda (A/62/468).

B. Office of the Prosecutor

48. The biennium 2006-2007 has been a period of increased activity for the Office of the Prosecutor, marked by the continued commitment to the effective completion of trials and appeals in order to meet the goals of the completion strategy. It is worth recalling that, in December 2004, the Office of the Prosecutor met the first milestone of the completion strategy by issuing its final indictments.

49. To implement the Tribunal's completion strategy, the Office of the Prosecutor focused on transferring cases of intermediate and lower-level accused to the former Yugoslavia. The Office of the Prosecutor furthered the process of transferring cases of intermediate and lower-level accused under Rule 11 bis as well as investigation files to national jurisdictions. As at the time of writing, eight referral motions had been granted, involving 13 accused. Thus far, 10 accused have been transferred by the referral bench to the War Crimes Chamber of the Court of Bosnia and Herzegovina, and 2 accused have been transferred to the authorities of Croatia and 1 to Serbia for trial before the domestic courts of those countries. The Office of the Prosecutor has also transferred directly seven investigation files to prosecutors in Bosnia and Herzegovina, Croatia and Serbia.

50. During the 2006-2007 biennium, the Office of the Prosecutor took measures to speed up its work and increase efficiency. To improve judicial efficiency and speed up trials, the Office proposed to merge, whenever possible, related indictments and run trials with more than four accused. As a result, three multiple-accused trials involving 19 accused begun in the course of the biennium will be completed in 2008 and 2009. The merger of these high-level cases resulted in the overall substantial reduction of the length of proceedings.

51. During the biennium 2008-2009, in the context of the Tribunal's completion strategy, the activity of the Office of the Prosecutor will rest on four important priorities: (a) the completion of remaining trials and appeals; (b) the arrest of remaining fugitives; (c) the further transfer of cases and assistance to national jurisdictions; and (d) the legacy of the Tribunal.

52. The first priority in the Office's strategy is to focus on ongoing trials and appeals, including the multiple-accused cases. During the biennium 2008-2009, the Office will be fully engaged in successfully completing the remaining trials and increasing the pace of the appeals work. Fourteen cases are to be prosecuted and tried, involving 37 accused. Based on the projected trial schedule, it is anticipated that first instance trials will be completed by the end of 2009. Appeals will continue into 2010 or 2011. Based on previous experience, it is expected that each first instance decision will be appealed. It is therefore projected that there will be 21 appeals, including three multiple-accused cases, involving a total of some 44 persons. These projections do not take into account the trials of fugitives. As at the time of writing, four fugitives remain at large.

53. In order to keep up with the pace and schedule of Chambers and to fulfil the completion strategy goals, it is crucial that the Office maintain adequate resources. To support trials and appeals, the Office will need to maintain a sufficient number of trial attorneys, assisted by a core investigative capacity (including researchers, analysts and research staff) dedicated to the completion of trials and appeals. Therefore, based on court schedule projections, post and non-post requirements for 2008 will essentially remain at the same level as in 2007. During the third quarter of 2009, there will be reductions in the levels of staff and non-post items. As of that year, there will also be a shift to appeals work and, as a result, staffing in the Appeals Section (proposed for upgrading to Appeals Division) will be strengthened to complete the remaining appeals.

54. As in previous bienniums, post and non-post resources in the Office of the Prosecutor will be allocated in accordance with the Office's workplan, which sets out requirements for all cases to be tried in 2008 and 2009. The plan foresees the adequate allocation of resources (attorneys, investigators, analysts and researchers) to all cases whether in pre-trial, trial or appeal. To facilitate this review, cases have been divided according to their level of complexity, namely level I cases, involving complex leadership cases, including those with more than four accused; level II cases, involving leadership and high-level accused; and level III cases, would encompass all other accused serious perpetrators.

55. The Office of the Prosecutor will, in view of the Tribunal's completion strategy, continue to undertake measures aimed at reducing the length of trials. Taking into account the fairness of the judicial process, the Office will insist on taking measures to increase judicial efficiency. The Office will also insist on putting forward proposals to the Tribunal's Rules Committee, headed by judges, which

formulates proposals to the plenary of judges which can amend the Tribunal's Rules of Procedure and Evidence.

56. To improve efficiency and effectively support trial and appeal work, the Office will undergo a restructuring and organizational change. One aspect of this change is the merging of the Investigations Division and the Prosecution Division. As a result, investigators, analysts and other support staff will directly work on specific cases, under the leadership of a trial attorney. The position of Chief of Investigations will no longer be required and the post will be redeployed. This measure reflects the emphasis that is now on the prosecutorial aspect of its work. Investigating staff members will still have a crucial role and will be directly available to assist the legal staff working on a case. This measure will improve internal efficiencies and enhance the Office's work product.

57. The reorganization of the Office will also involve consolidating the activities of the transition team, the tracking team and field office operations with the Immediate Office of the Prosecutor under the direct supervision of the Prosecutor, assisted by the Deputy Prosecutor. This measure is aimed at improving coordination in matters of cooperation with the States of the former Yugoslavia, which includes the tracking of fugitives, the transfer of cases and provision of assistance to these States, and capacity-building efforts. This internal organizational change reflects the importance of the transfer and tracking efforts undertaken by the Office, which will remain priority objectives in the coming years.

58. The third aspect of the internal office change involves the strengthening of the appellate support work by upgrading the Appeals Section to an Appeals Division to be headed by a Chief (D-1), which would entail the redeployment of the existing D-1 Chief of Investigations post. The increase in the number of accused to be tried in the 2008-2009 biennium will have an impact on the volume and complexity of the cases on appeal and generate extensive additional work. Interlocutory appeals during the trials will also generate more complex work, in particular for the multiple-accused cases which will raise new and complex legal issues. In that light, it is proposed that 37 posts (3 P-5, 7 P-4, 16 P-3, 4 P-2 Professional and 7 General Service (Other level) be redeployed during 2009 from the Trial Section and the Trial Support Unit under the Prosecution Division to the appeals services.

59. The Office of the Prosecutor will remain actively engaged in seeking the arrest of all remaining fugitives. Four fugitives still remain at large. This issue will remain a priority for the Office of the Prosecutor during the biennium 2008-2009, which has intensified the programme for the tracking and apprehension of the remaining fugitives. It should be noted that the proposed level of requirements for the Office does not take into account the resource requirements related to the trials of the four fugitives currently at large. Estimates in respect of the four fugitives will be addressed in the context of revised estimates as and when they are apprehended. The position of the Office of the Prosecutor is that the remaining fugitives should be tried in The Hague. However, even if they are still at large after 2010, when the Tribunal will have completed trials and appeals, they must not escape international justice and must be tried by an international tribunal and preferably by this same institution.

60. Another priority of the Office's strategy in the coming two years is that of continuing to provide support to national prosecution and judicial authorities in the former Yugoslavia. The Office of the Prosecutor will continue to support, through its

transition team, transferred cases of indicted persons and investigation dossiers. At the time of writing, nine motions had been granted by the Tribunal's referral bench, involving 15 accused. The Appeals Chamber overturned the transfer of one accused, which in turn caused the referral bench to grant a prosecution request to revoke the transfer of a second accused, leaving 13 accused approved for transfer. Two cases involving 2 accused resulted in guilty pleas and in another case involving 3 accused, the Prosecutor withdrew its motion. Thus far, 10 accused have been transferred to the War Crimes Chamber of the Court of Bosnia and Herzegovina, 2 accused have been transferred to the authorities of Croatia and 1 accused has been transferred to Serbia.

61. During the biennium 2008-2009, the transition team in the Office of the Prosecutor will continue to hand over investigative materials to the national prosecutors in the region for further investigation. These are the so-called level II cases, in which the Tribunal has issued no indictment. In total, seven such investigation files have been transferred: three to Bosnia and Herzegovina, two to Croatia and two to Serbia. The Office intends to transfer other investigation files, involving some 32 persons, to Bosnia and Herzegovina.

62. The preparation of the transfer of cases and investigation files requires a considerable amount of work, which is carried out by the Office's transition team, working on a full-time basis on these cooperative matters with the assistance of the lawyers, prosecutors, investigators and analysts who have worked on the specific dossiers. The Office of the Prosecutor assembles and organizes available evidence, summarizes the evidence, provides thorough legal and criminal analysis, contacts witnesses and handles witness protection questions and other issues of confidentiality, such as the issues related to protection under Rule 70. During and after the transfer of the files, the Office continues to assist local authorities by providing information and documents, responding to multiple requests for assistance and answering questions, not only in relation to the transferred files but also on related cases handled by the Tribunal. The Office has also granted access to document databases and specific, formalized arrangements have been made to ensure access to the Office's evidence collection, including its Electronic Disclosure System, which is an electronic database containing the prosecution's collection of documentary evidence.

63. In accordance with the decisions on the referral of cases pursuant to Rule 11 bis, which instruct the Office of the Prosecutor to monitor trials of transferred cases and report to the trial chamber, the Office has made arrangements with the Organization for Security and Cooperation in Europe for the monitoring of such trials. The monitoring mechanism is a fundamental component of the Tribunal's referral process.

64. The Office of the Prosecutor, in association with Chambers and the Registry, will continue to be actively engaged in other capacity-building activities. Through almost daily contact with the prosecutors and courts, it will continue to participate in conferences, training seminars and other symposiums.

65. Furthermore, as the dates of completion draw near, the Office of the Prosecutor will devote special attention to the legacy of the Tribunal's work. Some of the work product and tools of the Office will need to be preserved. The Immediate Office of the Prosecutor will play a central role in legacy matters, in coordination with the Registry and Chambers.

Table 5
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: To investigate and prosecute in a timely and fair manner persons responsible for serious violations of international humanitarian law and ensure that the requirements of the Security Council are fulfilled with regard to implementation of the completion strategy and to position the Office of the Prosecutor for the transfer of criminal cases against accused persons to the national courts of the former Yugoslavia.

Expected accomplishments	Indicators of achievement
(a) Effective management and implementation of the completion strategy	(a) Number of first instance trials completed during the biennium *Performance measures*: 2004-2005 actual: 8 2006-2007 estimate: 8 2008-2009 target: 12
(b) Gradual transfer of indicted cases and investigative files to national jurisdictions in the region	(b) (i) Number of indicted cases transferred to national courts in the region pursuant to Rule 11 bis *Performance measures*: 2004-2005 actual: 3 cases (4 accused persons) 2006-2007 estimate: 5 cases (9 accused persons) 2008-2009 target: — (ii) Number of investigation files and dossiers transferred to local prosecutors in the region *Performance measures*: 2004-2005 actual: 2 files (3 persons) 2006-2007 estimate: 5 files (9 persons) 2008-2009 target: 11 files (35 persons)
(c) Efficient utilization of trial and appeal support resources	(c) (i) Number of ongoing trials *Performance measures*: 2004-2005 actual: 6 concurrently 2006-2007 estimate: 6 concurrently 2008-2009 target: 7 concurrently

	(ii) Number of accused in appeals on the merit proceedings completed during the biennium *Performance measures*: 2004-2005 actual: 9 2006-2007 estimate: 11 2008-2009 target: 16
(d) Enhanced readiness of cases at pre-trial litigation	(d) (i) Number of cases in pre-trial litigation *Performance measures*: 2004-2005 actual: 17 2006-2007 estimate: 9 2008-2009 target: 7 (ii) Percentage of deadlines met without extensions *Performance measures*: 2004-2005 actual: 85 per cent 2006-2007 estimate: 85 per cent 2008-2009 target: 100 per cent

External factors

66. The Office of the Prosecutor is expected to meet its objective and expected accomplishments on the assumption that: (a) the States of the former Yugoslavia cooperate in the arrest and transfer of indicted persons to The Hague and in the provision of information; (b) there is normal functioning of judiciaries in the States of the former Yugoslavia, including the War Crimes Chamber of the Court of Bosnia and Herzegovina, so that cases may be transferred and tried at the domestic level; and (c) there are no delays in the proceedings for reasons beyond the Tribunal's control, such as illness of the accused, unforeseen disclosure of material, requests for replacement of defence counsel, requests for review of cases already tried, other motions affecting the proceedings and the availability of witnesses to certify statements and provide testimony.

Outputs

67. During the biennium, the following outputs will be delivered:

(a) Investigative outputs: witness statements, expert witness statements, summaries of witness interviews, witness schedules and protective measures for witnesses; reports of on-site investigations; reports on military and civilian political structures and events, on arrests of fugitives, on intelligence related to suspects and fugitives and on missions; collection of evidence; reports generated through

computer searches of collected evidence for documents relevant to investigations, trials and appeals and reports generated by computer searches for purposes of disclosure under different rules; demographic reports and maps; requests for assistance; unofficial translations and English summaries of documents written in Bosnian, Croatian or Serbian; limited project-based exhumation work; and training;

(b) Prosecution outputs: filings related to the prosecution of cases and appeals, including: amended indictments, motions, responses to defence motions, witness statements, opening briefs, closing briefs, sentencing briefs, appeals on the merits, interlocutory appeals, plea agreements and miscellaneous applications for orders from judges or trial chambers, including applications for subpoenas, search warrants, the detention of suspects and the transmission of arrest warrants;

(c) Outputs related to trial preparation: exhibits, witness summaries, extensive searches for relevant material to be disclosed to the defence; training courses including induction, legal issues, advocacy; and legal opinions on issues of international law;

(d) Information management outputs: indexes of evidentiary material and information sources, including witness statements, videotapes and audiotapes, intelligence material submitted under Rule 70, and press and other relevant, freely accessible material; custody, control and storage of material submitted under chain-of-custody procedures, including decontamination and preservation; software systems and modifications to computer systems, and database applications for the Office of the Prosecutor, including the Electronic Disclosure System and CaseMap and Sanction software packages; and training courses for all staff;

(e) Provision of support for the transfer of cases to the States of the former Yugoslavia: preparation of investigation files, reviewing and preparing evidence, analysis of case files, exchange of knowledge with domestic prosecution authorities, exchange of know-how and training;

(f) Legacy issues: engaging in coordination with the Registry and Chambers in the preparation of the files and electronic data to be preserved and forming part of the Tribunal's legacy;

(g) Management outputs: policy papers and directives, guidelines related to legal practice, annual reports, funding proposals, budget preparation, reports on activities of States relevant to cooperation; and press releases, speeches, statements and briefings.

Table 6
Resource requirements

Category	Resources (thousands of United States dollars) 2006-2007	Resources (thousands of United States dollars) 2008-2009 (before recosting)	Posts 2006-2007	Posts 2008-2009
Assessed budget				
Post	60 160.3	48 626.0	325	195
Non-post	16 498.8	19 376.5	—	—
Staff assessment	10 425.9	9 845.3	—	—
Subtotal	**87 085.0**	**77 847.8**	**325**	**195**
Extrabudgetary	323.9	60.0	—	—
Total	**87 408.9**	**77 907.8**	**325**	**195**

Table 7
Post requirements

Category	2006-2007 revised appropriation	2008 proposed	Proposed reduction, 1 January 2009	Total 2006-2007	Total 2008-2009
Professional and above					
USG	1	1	—	1	1
D-2	1	1	—	1	1
D-1	2	2	—	2	2
P-5	18	18	(7)	18	11
P-4/3	138	138	(52)	138	86
P-2/1	38	38	(8)	38	30
Subtotal	**198**	**198**	**(67)**	**198**	**131**
General Service					
Principal level	1	1	—	1	1
Other level	126	126	(63)	126	63
Subtotal	**127**	**127**	**(63)**	**127**	**64**
Total	**325**	**325**	**(130)**	**325**	**195**

68. Resources under posts and staff assessment in the amount of $48,626,000 and $9,845,300, respectively, would provide for the continuation of 195 posts required during the biennium 2008-2009. The reduction under posts ($11,534,300) and staff assessment ($580,600) relates to the proposed abolition of 130 posts as at 1 January 2009, including 67 Professional level posts (7 P-5, 22 P-4, 30 P-3 and 8 P-2) and 63 General Service (Other level) posts, as reflected in table 7.

69. Based on the existing assessment and consistent with previous budget submissions, it is estimated that, for the biennium 2008-2009, a level I case would require a complement of 11 trial attorneys (2 P-5, 6 P-4 and 3 P-3) and 5 investigators (1 P-4, 3 P-3 and 1 P-2); a level II case, 9 trial attorneys (1 P-5, 5 P-4, 2 P-3 and 1 P-2) and 4 investigators (2 P-3 and 2 P-2); and a level III case, 8 trial attorneys (1 P-5, 4 P-4, 2 P-3 and 1 P-2) and 3 investigators (1 P-3 and 2 P-2).

70. The Tribunal anticipates that during 2008 the pace of trial activity will by and large remain unchanged compared to 2007, with seven trials being conducted simultaneously. On this basis, it is proposed that the staffing complement of the Office of the Prosecutor for 2008 remain unchanged vis-à-vis 2007 levels.

71. As for 2009, the Tribunal will continue to try seven first instance cases during the period from January to August. The first reduction in trial activity will occur in August, when the number of ongoing trials is expected to be reduced from seven to six. Another trial is expected to be completed by the end of October. Therefore, as from 1 November, trial activity will consist of five cases, three of which are due to finish by the end of December, with the remaining two trials due for completion early in 2010.

72. On this basis, for the period from 1 January to 31 December 2009, it is proposed that the Office of the Prosecutor retain a staffing complement of 195 temporary posts (131 Professional and 64 General Service and related categories) and that the functions of the remaining 130 posts be gradually phased out, as follows: (a) an estimated 65 posts, comprising 24 Professional (3 P-5, 8 P-4, 12 P-3 and 1 P-2) and 41 General Service (Other level), during the third quarter of the year; and (b) an estimated 65 posts, consisting of 43 Professional (4 P-5, 14 P-4, 18 P-3 and 7 P-2/1) and 22 General Service (Other level), during the fourth quarter of the year. To ensure the Office the flexibility to accelerate or decelerate the phasing out of individual posts, it is proposed that all 130 posts be abolished as at 1 January 2009, as reflected in table 7, but that their related funding be provided through general temporary assistance. This would enable the maintenance of critical functions in supporting the trials to be held through 31 July 2009 and between 1 August and 31 October 2009.

73. Non-post requirements in the amount of $19,376,500, reflecting an increase of $2,877,700, would provide for general temporary assistance (pre-trial support, document indexing and research and analysis), overtime, mission subsistence allowance for staff posted to field offices, expert witnesses and consultants to assist investigators in the pre-trial stage of investigations, travel of investigators and prosecutors and contractual services for ongoing training of the staff of the Office of the Prosecutor. The growth relates mainly to increases under general temporary assistance ($8,298,300) required to fund for up to 10 months the functions of the 130 posts which, for the reasons addressed in paragraphs 25 and 72 above, are proposed for abolishment as at 1 January 2009. The increased requirements are offset by lower requirements in all other non-post items, including existing provisions under general temporary assistance ($5,420,600). These reductions are consistent with the anticipated reduced trial activity as of mid-2009.

C. Registry

74. The Registry is responsible for the judicial administration of the Tribunal. It is composed of four main organizational units, namely, the Office of the Registrar, the Judicial Support Division, the Registry Advisory Section on Legal and Policy Matters and the Division of Administration. For budgetary purposes, the Office of the President and the resident auditors and investigators are included under the Registry.

75. For the biennium 2008-2009, the Registry will continue to focus on three principal objectives: (a) provision of continued support to trials and appeals in order to complete the Tribunal's mandate, particularly the completion of first instance trials in keeping with the second milestone of the completion strategy; (b) provision of continued support to the War Crimes Chamber of the Court of Bosnia and Herzegovina and other national courts in the former Yugoslavia in connection with the transfer of cases and dossiers of mid-level and lower-level accused to national jurisdiction; and (c) preparation of the legacy of the Tribunal, comprising the articulation and preservation of its impact and contribution to the society in which it functions, and carrying out the residual functions required upon the conclusion of all trials and appeals.

76. In support of the first objective, the Registry will continue to support and facilitate the simultaneous conduct of seven trials. While the Registry's capacity will be stretched to its limits, it will remain dedicated to ensuring that trials are run efficiently and are fair. This remains a priority for the biennium 2008-2009 as the Tribunal continues to focus on high-level accused perpetrators and multiple-accused cases. The need for efficient proceedings is all the more crucial in view of the factors beyond the Tribunal's control, which may impact on the speed with which trials can be completed (i.e., delays in the proceedings resulting from requests for review of cases already tried, unforeseen disclosure of materials, requests for replacement of defence counsel, illness of the accused or counsel, availability of witnesses to provide testimony and extent of cooperation from States). These factors become more apparent in multiple-accused trials which generate far more motions and interlocutory appeals than those involving a single accused.

77. The Registry will continue to support the implementation of measures aimed at reducing the length of trials and improving efficiency. These include the e-Court system, which was tested on a pilot basis during the biennium 2006-2007 and is now being successfully applied to all trials. The implementation of Internet remote access to the judicial database (including for the Court of Bosnia and Herzegovina) has enabled defence counsel to access the network from any location, thereby assisting in the efficient preparation and conduct of cases. Efficiency also continues to be supported by: (a) the Office of Document Management which saves on translation resources by avoiding duplication in translation requests; (b) the application of the pre-trial and trial lump-sum defence payment system, which compels defence teams to prepare their strategies in advance of trial; and (c) the Defence Counsel Network, which has resulted in a more effective distribution of case-related documents.

78. During the biennium 2008-2009, two of the first instance trials will be before a French-speaking trial chamber and conducted simultaneously, and a third trial will be that of a self-represented accused. These factors will particularly impact on the

workload of the Conference and Language Services Section. The latter case will present a unique challenge for the Judicial Support Division from the perspective of ensuring that the accused is provided adequate facilities and resources for the conduct of his own defence.

79. In support of the second objective, the Registry has played a central coordinating role in assisting the development of the War Crimes Chamber of the Court of Bosnia and Herzegovina. The transition coordinating committee, established by the Registry, considers practicalities associated with the transfer of cases to national jurisdiction, specifically the transfer of accused, the transition of defence counsel and the continuing protection of witnesses. Thus far, 10 accused have been transferred to the War Crimes Chamber and 2 have been transferred to the authorities of Croatia for trial before its domestic courts. One accused has been transferred to the authorities of Serbia.

80. In collaboration with the International Criminal Tribunal for Rwanda, the Registry has been actively involved in the preparation of the comprehensive proposal, requested by the General Assembly by resolution 61/241, on incentives to retain staff at the two tribunals. Furthermore, other measures have been developed by the Division of Administration to maximize staff retention, including training activities in the area of management, personal development, technical training and career counselling, for which provisions have been made in the 2008-2009 budget.

Table 8
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: The efficient administration and servicing of the Tribunal by the management of judicial, administrative and legal support to Chambers, the Office of the Prosecutor and, in a limited fashion, the defence, in line with the statute of the Tribunal, the Rules of Procedure and Evidence, United Nations regulations and rules and the Tribunal's completion strategy.

Expected accomplishments	Indicators of achievement
(a) Timely implementation of formal actions taken in accordance with the agreed-upon completion strategy	(a) Percentage of actions completed on time *Performance measures*: 2004-2005 actual: 95 per cent 2006-2007 estimate: 95 per cent 2008-2009 target: 95 per cent
(b) Increased public awareness of the activities of the Tribunal	(b) Number of page views of the Tribunal's website *Performance measures*: 2004-2005 actual: 36 million pages viewed 2006-2007 estimate: 60 million pages viewed 2008-2009 target: 70 million pages viewed

(c) Improved dissemination of information in the Bosnian, Croatian and Serbian languages (for court proceedings, considered by the Tribunal to be one language)	**(c) Reduction in the number of days required for dissemination of materials** *Performance measures*: 2004-2005 actual: 1 to 3 days 2006-2007 estimate: 0 to 2 days 2008-2009 target: 0 to 2 days
(d) Needs of clients for sound, comprehensive and timely advice on legal and related policy matters are met	**(d) (i) Number of international agreements negotiated and contracts on which advice is given** *Performance measures*: 2004-2005 actual: 105 2006-2007 estimate: 110 2008-2009 target: 110 **(ii) Number of administrative matters and those concerning the host country statute and Rules on which advice is given** *Performance measures*: 2004-2005 actual: 100 2006-2007 estimate: 120 2008-2009 target: 120
(e) Effective legal support provided to judges	**(e) Number of timely oral and written decisions and judgements** *Performance measures*: 2004-2005 actual: 2,500 2006-2007 estimate: 3,300 2008-2009 target: 3,000
(f) Successful compliance with the Tribunal's legal aid system	**(f) Reduction in the number of cases in which a supplemental payment is required to ensure a fair trial** *Performance measures*: 2004-2005 actual: 8 cases 2006-2007 estimate: 4 cases 2008-2009 target: 3 cases

(g) Improved judicial support services provided to Chambers, the Office of the Prosecutor and defence counsel	(g) Level of client satisfaction *Performance measures*: 2004-2005 actual: 90 per cent 2006-2007 estimate: 95 per cent 2008-2009 target: 95 per cent
(h) Increased effectiveness of administrative services	(h) Degree of satisfaction expressed by recipients of various administrative services *Performance measures*: 2004-2005 actual: 90 per cent 2006-2007 estimate: 95 per cent 2008-2009 target: 95 per cent

External factors

81. The Registry is expected to meet its objective and expected accomplishments on the assumption that: (a) the States of the former Yugoslavia cooperate in the arrest and transfer of indicted persons to The Hague and in the provision of information; (b) there is normal functioning of the War Crimes Chamber of the Court of Bosnia and Herzegovina and judiciaries in other countries of the former Yugoslavia to permit the referral of cases; and (c) there are no delays in the proceedings for reasons beyond the Tribunal's control, such as illness of the accused, unforeseen disclosure of material, requests for replacement of defence counsel, requests for review of cases already tried, other motions affecting the proceedings and the availability of witnesses to certify statements and provide testimony.

Outputs

82. During the biennium, the following outputs will be delivered:

(a) Victims and Witnesses Section: provision of safe transportation of witnesses from their residence to The Hague; liaison with States for exit and entry permits, travel documents, safe-conduct agreements and visas for pre-trial and post-trial protection; provision of support services for the temporary and permanent relocation of witnesses; liaison with host Governments for the protection, safe accommodation and transportation of witnesses during trials; and implementation of the Tribunal's policies regarding the reimbursement of lost earnings;

(b) Defence counsel services: provision of access to legal assistance for suspects and accused persons; revision of claims of indigence from suspects and accused persons; and implementation of the directive on assignment of defence counsel and legal aid practices;

(c) Court management: implementation of procedures related to the confirmation, amendment or withdrawal of indictments, the issuing of arrest warrants, the addressing of cases of failure to execute a warrant, the appearance of

the accused, detention on remand and provisional release and procedures to obtain depositions; organization and scheduling of trials and other hearings, cases of contempt of court, procedures relating to amici curiae, summons of witnesses and experts, record-keeping and procedures for the restitution of property in connection with compensation for victims; and procedures relating to appellate and review proceedings, pardons and commutations of sentence;

(d) Registry Advisory Section: negotiation of international agreements on the enforcement of sentences and relocation of witnesses; liaison with the host country on privileges and immunities of judges and staff; and drafting of policy papers, directives and guidelines related to legal practice;

(e) Detention facility management: provision of a secure detention facility for detainees; implementation of the Tribunal's Rules of Detention and remand programme in regard to personal and official visits, the scheduling of exercise periods and provision of meals, and the scrutiny of incoming and outgoing phone calls and mail, as appropriate; scheduling of periods of duty of the detention guards provided by the host Government; and cooperation with (i) the host authorities to ensure that the detention facilities of the Tribunal are provided in accordance with existing agreements and (ii) the non-governmental organizations monitoring such facilities;

(f) Publications: publication of the *Yearbook* of the Tribunal, the basic documents of the Tribunal and transcripts of trials and decisions;

(g) Electronic, audio and video issuances: production and broadcast (in electronic format) of trial exhibits within the courts; and broadcasting of time-delayed video of Tribunal proceedings to public areas of the Tribunal and of real-time audio of Tribunal proceedings to the public gallery of the courtroom in English, French and Bosnian/Croatian/Serbian;

(h) Booklets, pamphlets and fact sheets: publication of the monthly bulletin of Tribunal activities and of newsletters and brochures;

(i) Press releases: issuance of press releases to the local, national and international press regarding trial activities;

(j) Library services: provision of library services regarding international and national law relevant to the operations of the Tribunal for the use of judges, staff and defence counsel; and provision of online information services to assist staff, in particular the legal officers and judges, with legal research and greater access to bibliographic information;

(k) Conference and language support: provision of simultaneous interpretation for all court hearings into and from English, French and Bosnian/Croatian/Serbian, and during interviews of victims and witnesses; translation from and into English, French and Bosnian/Croatian/Serbian for the Registry, the courts and the Office of the Prosecutor; and transcripts of court proceedings in English and French for every hearing in the courtroom and the plenary meetings of judges;

(l) Administrative support: processing of financial documents; preparation of the proposed budget for the biennium 2010-2011 and annual performance reports for the biennium 2008-2009; preparation of reports on incentives to retain staff at the Tribunal; exercise of budgetary control and post management in respect of

assessed budget and extrabudgetary resources; formulation of draft administrative responses to external and internal oversight bodies; screening of applications for vacant posts; implementation of staff development and training programmes; arrangement of travel and issuance of tickets and vouchers for judges, staff members, witnesses and other persons; undertaking of property management and inventory control; implementation, operation and maintenance of the information technology infrastructure; purchase and contracting of goods and services; and provision of a safe and secure environment for all VIPs, staff, visitors and detainees.

Table 9
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2006-2007*	*2008-2009 (before recosting)*	*2006-2007*	*2008-2009*
Assessed budget				
Post	103 090.9	94 117.1	665	537
Non-post	108 120.5	101 071.3	—	—
Staff assessment	18 752.2	18 376.9	—	—
Subtotal	**229 963.6**	**213 565.3**	**665**	**537**
Extrabudgetary	3 582.5	3 073.2	3	1
Total	**233 546.1**	**216 638.5**	**668**	**538**

Table 10
Post requirements

Category	*2006-2007 revised appropriation*	*2008 proposed*	*Proposed reduction 1 January 2009*	*Extrabudgetary 2006-2007*	*Extrabudgetary 2008-2009*	*Total 2006-2007*	*Total 2008-2009*
Professional and above							
ASG	1	1	—			1	1
D-1	2	3	—			2	3
P-5	17	16	—			17	16
P-4/3	157	157	(21)	1	1	158	137
P-2/1	79	79	(19)			79	60
Subtotal	**256**	**256**	**(40)**	**1**	**1**	**257**	**217**
General Service							
Principal level	10	10	—	—	—	10	10
Other level	244	244	(68)	2	—	246	176
Subtotal	**254**	**254**	**(68)**	**2**	**—**	**256**	**186**

Category	2006-2007 revised appropriation	2008 proposed	Proposed reduction 1 January 2009	Extrabudgetary 2006-2007	Extrabudgetary 2008-2009	Total 2006-2007	Total 2008-2009
Other							
Security Service	155	155	(20)	—	—	155	135
Subtotal	**155**	**155**	**(20)**	**—**	**—**	**155**	**135**
Total	**665**	**665**	**(128)**	**3**	**1**	**668**	**538**

83. Resources under posts and staff assessment in the amount of $94,117,100 and $18,376,900, respectively, would provide for the continuation of 537 posts required during the biennium 2008-2009. The reduction under posts ($8,973,800) and staff assessment ($375,300) relates to the proposed abolition of 128 posts as at 1 January 2009, comprising 40 Professional (1 P-4, 20 P-3 and 19 P-2), 68 General Service (Other level) and 20 Security Service, as reflected in table 10. The net reduction is partially offset by the proposed reclassification of one P-5 post to D-1, Head of Chambers in the Chambers Legal Support Section ($35,100).

84. The proposed post requirements for the judicial and non-judicial units of the Registry are consistent with the anticipated trial activity and workload projected for the biennium 2008-2009, which reflects a reduction in the number of cases heard simultaneously, from seven to six in August 2009 and from six to five by the end of October 2009, with a further reduction to two active trials by the end of December 2009. On this basis, it is proposed that the staffing structure of the Registry for 2008 remain at the same level as in 2007, with a total of 665 posts.

85. In regard to 2009, it is proposed that the Registry retain a staffing structure of 537 temporary posts (216 Professional, 186 General Service and related categories, and 135 Security Service) and that the functions of the remaining 128 posts be gradually phased out, as follows: (a) an estimated 35 posts, comprising 10 Professional (7 P-3 and 3 P-2/1), 20 General Service (Other level) and 5 Security Service, during the third quarter of the year; and (b) an estimated 93 posts, comprising 30 Professional (1 P-4, 13 P-3 and 16 P-2/1), 48 General Service (Other level) and 15 Security Service, during the fourth quarter of the year. To ensure the Registry the flexibility to accelerate or decelerate the phasing out of individual posts, it is proposed that all 128 posts be abolished as at 1 January 2009, as reflected in table 10, but that their related funding be provided through general temporary assistance. This would enable the maintenance of critical functions in supporting the trials to be held through 31 July 2009 and between 1 August and 31 October 2009.

86. In view of the increased responsibilities of the function and the complexity of the policy issues involved, it is proposed to reclassify the post of Senior Legal Officer from P-5 to D-1, Head of Chambers. The Head of Chambers would report directly to the Registrar through the Deputy Registrar.

87. The Head of Chambers will have four principal responsibilities which will significantly change the role, responsibilities and complexity of the duties of the Senior Legal Officer, namely: supervision of all Chambers staff; management of Chambers; acting as principal legal adviser to Chambers; and ensuring institutional coordination and cooperation, in particular with respect to the Appeals Chamber.

88. The overall reduction under non-post requirements ($7,049,200) is attributable to reduced requirements under travel of staff ($33,200), contractual services ($717,800), defence counsel fees ($6,923,200), supplies and materials ($531,800), furniture and equipment ($2,608,800) and improvement of premises ($77,000). The reduction is partially offset by: (a) increased provisions under general temporary assistance ($3,146,800), required to fund the continuation of up to 10 months of the functions of the 128 posts which, for reasons addressed in paragraphs 25 and 85 above, are proposed for abolishment as at 1 January 2009; (b) increased requirements under general operating expenses ($674,600), broadly related to rental of premises owing to revisions to the terms and conditions of the lease agreement for the biennium 2008-2009; and (c) increased requirements under grants and contributions ($21,200), mainly for inter-organizational global security.

D. Records management and archives

89. Over the years, the Tribunal has compiled significant volumes of archives in various formats, including electronic, paper and audio-visual records. Since the records and archives of the Tribunal are those of the United Nations, the Tribunal is committed to ensuring that all categories of records and archives are managed, preserved and made accessible in accordance with United Nations record-keeping and archives management policies, standards and best practice.

90. To date, significant progress has been made in preparing records in anticipation of the Tribunal nearing completion of its mandate. By the time the Tribunal finishes its work, the records and archives will have to be organized and secured for two purposes, namely, residual activities and legacy.

91. With respect to residual activities, there will be a need for continued access to the active records that will be used to provide documentary support for ongoing judicial procedures. Following the completion of the Tribunal's trials and appeals, a part of its records must remain accessible for ongoing judicial proceedings. National authorities trying cases referred to them by the Tribunal will also require access to both public and confidential records of the Tribunal.

92. With respect to legacy, it is critical that strategies be implemented to ensure the preservation of the archival material that documents the Tribunal's work, and that access to that material by stakeholders, including the people of the former Yugoslavia, historians and researchers, is facilitated by making digital copies of the archives accessible via the Internet.

93. The nature of the records and archives of the Tribunal can be grouped into three areas: administrative, judicial and substantive. The broad policies for these records are as follows:

(a) *Administrative records*: these records support administrative functions including, inter alia, finance, human resources and procurement. The records are mainly in paper format and are managed by a records management system (TRIM). Most of these records are not of archival value and will eventually be destroyed in accordance with the records retention schedules of the United Nations. The Tribunal will transfer these records to the custody of the Archives and Records Management Section in New York;

(b) *Judicial records*: these records include transcripts of court hearings, motions, judgements and other legal records. They exist in paper, electronic and audio-visual formats. The policy of the Tribunal is to keep all of these records as archives in view of legal requirements and their historic nature. The Tribunal will capture these records into a records management system as part of the archival legacy of the Tribunal, and will digitize the audio-visual records;

(c) *Substantive records*: these are records of archival value but are not of a judicial nature. They include the records of senior officials, transcripts of policy establishing bodies such as the plenary of judges and the Rules Committee, certain outreach records, reports and studies etc. These records exist in paper and electronic formats. The Tribunal will capture these records into a records management system as part of the archival legacy of the Tribunal.

94. As the mandate of the two ad hoc tribunals draws to an end, it becomes apparent that their archives will play a significant role in the residual mechanism. In this respect, representatives of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the Archives and Records Management Section at United Nations Headquarters met in The Hague in June 2007 to develop and implement a common, comprehensive and coordinated strategy and project plan for archives and records management across the two tribunals. The strategy outlines, inter alia, the appropriate preservation of the evidence of the work of each Tribunal and the development and implementation of access standards for those records which are disclosable.

95. To achieve the preservation and access requirements for all stakeholders, the archiving strategy would require four top-level elements. First, because of the nature of the records (i.e., highly sensitive information, volume of records involved, complexity of the systems in which they are held and variety of formats in which they are stored), work on preparing the records and archives for preservation and access by the various stakeholders must begin immediately. Second, it is essential to identify, request and allocate the needed resources. Third, it is essential that a comprehensive and common approach, in the form of strategic and operational frameworks, be developed and adopted across the two tribunals. Fourth, it is essential that a legislative framework be developed with the Archives and Records Management Section and the Office of Legal Affairs to guide the custodians in regard to access.

96. To better support the archives functions for the tribunals, it was decided that all archiving functions of each organ of the tribunals (i.e., Chambers, Office of the Prosecutor and Registry) would be consolidated into one centralized administrative unit responsible for overseeing the implementation of the archives strategy and day-to-day functions. During 2008-2009, in line with that strategy, the tribunals will be implementing various archiving projects aimed at (a) ensuring that the records meet the preservation and archiving standards required following the completion of the mandate and (b) supporting future official access by the entity entrusted with post-Tribunal functions, as well as access by the public at large.

97. For the International Tribunal for the Former Yugoslavia, resources are required for the input of its records and archives into a records management database (i.e., TRIM), to ensure the smooth transfer of the paper, electronic and audio-visual records upon the closure of the Tribunal. The second substantial area of work for which resources are required pertains to the digitization of priority groups

of court records to ensure there will be maximum opportunity for the public to access information when the Tribunal finishes its work. There will be a continuing increase in the record and archive-related workload as the Tribunal moves towards closure, and resources are essential for the preparation of the records and archives for future transfer, preservation and access.

98. The audio-visual recordings of the court proceedings of the Tribunal and those of the International Criminal Tribunal for Rwanda are a crucial record of their work and jurisprudence. It is essential that this audio-visual archive be preserved to the appropriate technical standards so as to facilitate the access of the public to the collection and to ensure the long-term viability of the materials. To ensure preservation and access over time, it is essential that the audio-visual court records of the two tribunals, both the redacted and unredacted versions, be digitized, stored in a system with full backup and that a data migration strategy to deal with the need to move to newer versions of technology during the life of the residual mechanism and afterwards, including future research and access databases be planned and implemented. This is a major project as each Tribunal has already in excess of 30,000 hours of recordings, a volume that will grow as the tribunals continue to operate.

99. The digitization project will deliver preservation quality and access copies of all redacted and unredacted versions of courtroom proceedings. It will require significant input from an audio-visual digital preservation consultant, a major conversion and storage programme and preparation and implementation.

Table 11
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2006-2007*	*2008-2009 (before recosting)*	*2006-2007*	*2008-2009*
Assessed budget				
Non-post	—	3 860.1	—	—
Total	**—**	**3 860.1**	**—**	**—**

100. During the biennium 2008-2009, resources amounting to $3,860,100 are proposed for the implementation of the various archiving activities. The resource requirements consist of: new provisions under (a) general temporary assistance to input data and information into the TRIM records management database to ensure the smooth transfer of the Tribunal's paper, electronic and audio-visual records at the closure of the Tribunal ($784,100); (b) contractual services to cover costs associated with the digitization of the audio-visual records of the Tribunal ($3,000,000); (c) consultants to provide for expertise in the field of audio-visual digital preservation and to support the implementation of the archives strategic framework and migration to the TRIM platform ($50,700); and (d) travel to complement teleconferencing, with meetings every six months between the representatives of the two tribunals and the Archives and Records Management Section for the coordination of activities ($25,300).

E. Liabilities for after-service health insurance benefits and payment of pensions to judges and surviving spouses

101. In accordance with regulation 6.2 of the Staff Regulations, the Tribunal provides its employees who have met certain eligibility requirements with medical and dental coverage after they retire through the after-service health insurance programme of the United Nations. The health care provided by the programme is a vital element of social security for retiring staff members, many of whom cannot benefit from the national social security schemes of Member States owing to their service with the United Nations. The current practice of pay-as-you-go would need to be immediately addressed given that the end of the Tribunal is nearing. In addition, the Board of Auditors has reiterated its concern regarding the Tribunal's effective capacity to cover its liabilities for end-of-service and post-retirement benefits.[1]

102. Since the establishment of the Tribunal as a temporary body, the liabilities pertaining to after-service health insurance benefits have been accruing and have remained unfunded. These liabilities have now been duly recognized and reflected in the financial statements, in accordance with General Assembly resolution 60/255. However, no portion of the liability has been funded. Given that the Tribunal is expected to wind up its activities by 2010, there is an urgent need for funding of the accrued liability. This would obviate any potential burden on other sources of funds, particularly the regular budget.

103. Based on a roll-forward actuarial valuation conducted by a consulting actuary in August 2007, the present value of the accrued liability of the Tribunal future after-service health insurance benefits as at 31 December 2009 is estimated at $16.6 million, based on 158 potential participants in the after-service health insurance programme. As annual payout requirements are due to start as of 2009, it would be financially prudent to allocate the aforementioned amount in 2008 into the independent segregated special account, recently established in accordance with General Assembly resolution 61/264 to record after-service health insurance accrued liabilities and account for related transactions.

104. In addition, the permanent judges of the Tribunal are eligible for retirement benefits in accordance with the conditions of service and compensation governing the judges of the two tribunals. At present, pension benefits payable to former judges are provided for in the biennial budget of the Tribunal. However, current practice would not be a viable option with the closure of the Tribunal and, bearing that in mind, an actuarial study was conducted in August 2007 by a consulting actuary to determine the accrued liability in respect of this entitlement. Based on the results of the actuarial valuation of the pension scheme for judges at the Tribunal, the present value of the accrued pension liability of future benefits as at 31 December 2009 for the International Tribunal for the Former Yugoslavia is estimated at $17,050,633 for 13 former judges, one beneficiary in receipt of a pension and 14 current judges.

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 5L* and corrigendum (A/61/5/Add.12 and Corr.1), chap. II, para. 28.

Table 12
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2006-2007*	*2008-2009 (before recosting)*	*2006-2007*	*2008-2009*
Assessed budget				
Non-post	—	33 700.0	—	—
Total	—	**33 700.0**	—	—

105. The resource requirements for the financing of the accrued liability amount to $33,700,000, consisting of $16,600,000 for after-service health insurance and $17,100,000 for payment of a pension to judges and surviving spouses.

Table 13
Summary of follow-up action taken to implement relevant recommendations of the oversight bodies and the Advisory Committee on Administrative and Budgetary Questions

Brief description of the recommendation	*Action taken to implement the recommendation*
Advisory Committee on Administrative and Budgetary Questions (A/60/591)	
The Committee commends the Tribunal for applying lessons learned from other United Nations system entities and trusts that it will continue to closely analyse and monitor its work-flow distribution with a view to further reducing overtime (para. 14).	As a result of the continued monitoring of work-flow distribution and the strict limitation imposed on the use of overtime resources, the proposed programme budget for the biennium 2008-2009 reflects reductions in overtime requirements.
The Committee commends the Tribunal for taking steps to monitor its travel requirements and trusts that further economies will be realized in future performance reports (para. 15).	As a result of the completion of trials in 2009, it is anticipated that, for the biennium 2008-2009, the level of requirements for both travel of staff and travel of witnesses will be reduced vis-à-vis previous bienniums.
The Committee would have welcomed a transparent analysis of possible additional detention requirements (para. 17).	In the context of the consideration of the proposed programme budget for the biennium 2006-2007 in November 2005, the Committee was informed that discussions were under way with the Dutch authorities to increase cell capacity from 68 to 84 cells to accommodate the projected increase in the number of detainees. In the absence of information on the costs involved, no additional requirements were included in the budget fascicle for the 2006-2007 biennium, on the understanding that any additional costs associated with the increase in the number of cells would be

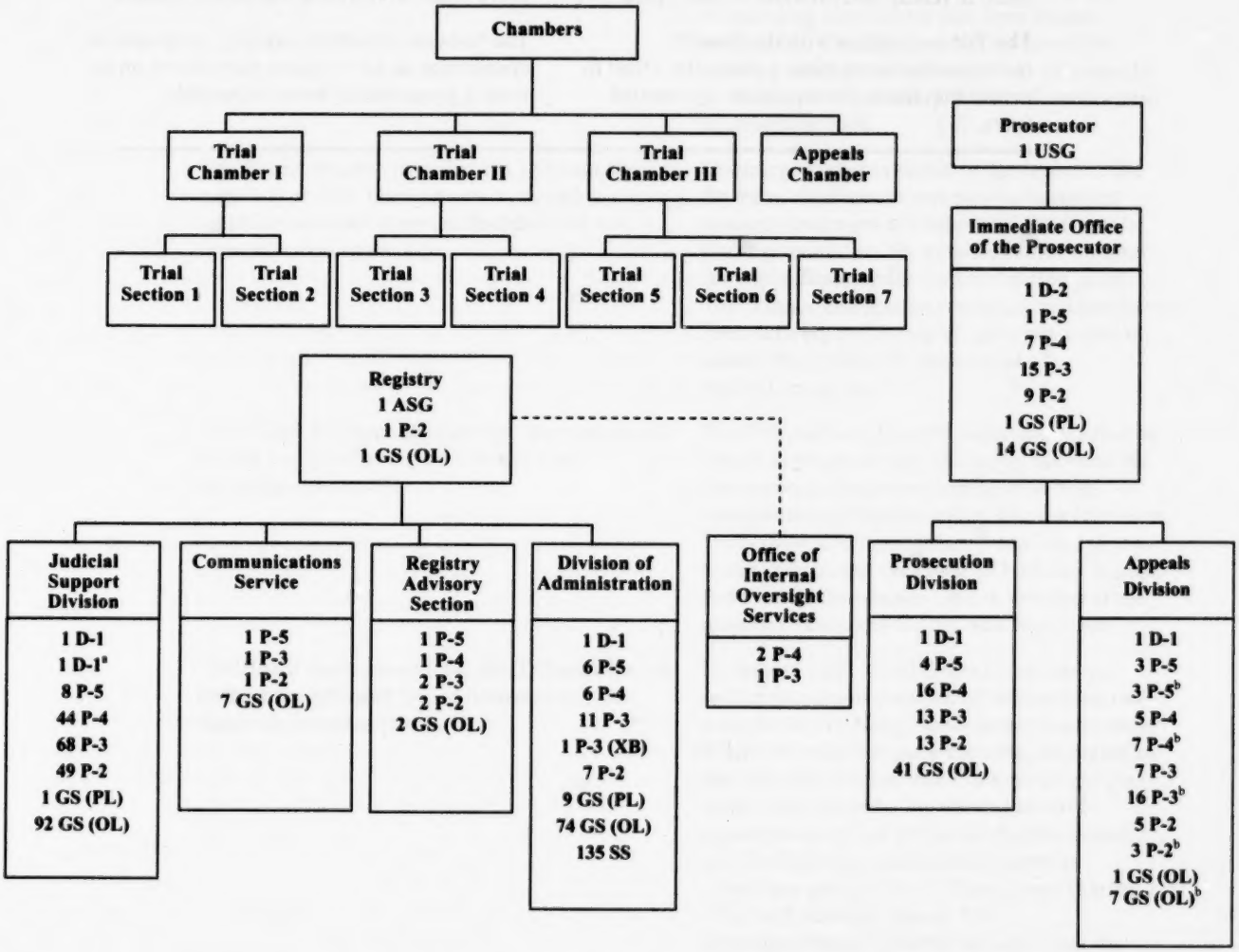
Brief description of the recommendation	*Action taken to implement the recommendation*
	reported in the context of the performance report. The actual move to a higher cell complex comprising 84 cells took place in December 2005. For the biennium 2008-2009, as a result of the projected reduction in the number of detainees, the Tribunal is recommending a decrease in the number of cells leased in the penitentiary facilities from the current level of 84 to a capacity of 64 cells, effective 1 January 2009.
The Committee believes that there is a need to examine translation requirements and methods with a view to reducing costs while ensuring optimal quality (para. 18).	The Tribunal continues to review its translation requirements with a view to maximizing its language servicing capacity and reducing costs while at the same time maintaining the high quality standards expected of an international tribunal. The introduction of the Office of Document Management (which has resulted in significant savings by avoiding duplicate translations) is a good example of the efficiency measures implemented by the Tribunal in this regard. In line with this trend, the Tribunal is proposing a reduction in requirements for 2008-2009 under both temporary assistance for translation and contractual translation.
Board of Auditors (A/61/5/Add.12 and Corr.1, chap. II)	
The Board reiterates its concern about the Tribunal's effective capacity to cover its liabilities for end-of-service and post-retirement benefits (para. 28).	Provisions for liabilities for after-service health insurance coverage of former staff members of the Tribunal and pension payments for former judges are proposed in section II.E of the present report.
The Board notes the measures taken by the Tribunal with a view to completing its work in 2010. However, the Board reiterates its concern as to whether this time frame is realistic, given the current pace of the Tribunal's activities (para. 35).	The progress made in pre-trial and trial activity has allowed the Tribunal to make a reasonable forecast as to the anticipated completion of all pending cases. At present, this assessment indicates that most pending first instance trials will be completed during the biennium 2008-2009. Furthermore, the Tribunal estimates that all appeals should be concluded within two years of the completion of trials. The Tribunal will continue to implement new measures to increase the efficiency of its work, in full compliance with due process and the rights of the accused to a fair trial.

Brief description of the recommendation	*Action taken to implement the recommendation*
The Board recommends the speedy introduction by the Tribunal of procedures to improve the recovery of amounts due from staff (para. 39).	During the past biennium, the Tribunal has made considerable improvements in accounts receivable, specifically with respect to the outstanding receivables due from former employees. The Tribunal has reviewed its existing procedures and improved its controls in relation to final salary and emoluments paid to departing staff.
The Board recommends that the Tribunal should regularly review the amounts budgeted to cover repatriation costs to ensure that they are not overestimated (para. 42).	Contrary to what is stated in the report of the Board of Auditors, it was not the budgeted amounts that were the subject of the Board's findings but rather the actual amount accrued for expenditure under the repatriation grant. The finance and human resources sections have been actively reviewing all prior payments to ensure the validity of the accrual of repatriation grant.
The Board recommends that the Tribunal should ensure parity between the two working languages (para. 47).	The Tribunal continues to make every effort to ensure appropriate use and parity between the two working languages in regard to both translation and interpretation. For the biennium 2008-2009, due consideration has been given to the anticipated workload of both the English and French Translation Unit in arriving at the proposed resources for the next biennium.
The Board recommends that the Tribunal should make more efficient use of floor space in its Sarajevo premises (para. 52).	In January 2005, the Tribunal was able to reduce its area of occupancy by returning one wing to the Building Management Committee. While the reduced space currently occupied by the Tribunal still exceeds (by a small margin) actual requirements, the special security requirements of the Office of the Prosecutor and the Registry victims and witnesses operations prevent the Tribunal from sharing a wing with another tenant. This notwithstanding, it should be noted that the operating costs of the United Nations House in Sarajevo are considered to be less than one half of the rental rates applicable to office space elsewhere in that city. Furthermore, only United Nations House has been certified as complying with minimum operating security standards.

Brief description of the recommendation	*Action taken to implement the recommendation*
The Tribunal agrees with the Board's reiterated recommendation for a particular effort to be made to recruit and promote women (para. 54).	The current ratio of female-to-male staff stands at 45 to 55. The Tribunal will continue to make every effort to recruit and promote women.
The Tribunal agrees with the Board's recommendation to make a particular effort to ensure that States are equitably represented (para. 57).	The Tribunal monitors regularly geographical distribution so as to ensure recruitment on as wide a geographical basis as possible.

International Tribunal for the Former Yugoslavia

Organizational structure and post distribution for the biennium 2008-2009



Abbreviations: XB, extrabudgetary; GS, General Service; PL, Principal level; OL, Other level.

[a] Reclassification.

[b] Redeployment from Prosecution Division.